

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2002-0381

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY AGAINST
THE CITY OF SAN DIEGO, AMEC EARTH AND ENVIRONMENTAL,
AND TRI-COUNTY DRILLING, INC., FOR NONCOMPLIANCE
WITH CALIFORNIA WATER CODE SECTION 13267

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), having held a public hearing on December 11, 2002, to hear evidence on the allegations contained in Complaint No. R9-2002-0331, dated October 23, 2002, and on the recommendation for administrative assessment of Civil Liability in the amount of \$113,200 finds the following:

1. The Regional Board, under the authority of California Water Code (Water Code) section 13267, ordered the City of San Diego (City), AMEC Earth and Environmental (AMEC), and Tri-County Drilling, Inc. (Tri-County), collectively referred to as the Dischargers, to submit an adequate preliminary site conceptual model to the Regional Board by January 25, 2002. The preliminary site conceptual model was needed to identify the potential pathways and receptors that may be impacted due to a discharge of petroleum hydrocarbon wastes to soil and groundwater caused by the rupture of an underground fuel pipeline by the Dischargers.
2. The Regional Board, under the authority of Water Code section 13267, ordered the City, AMEC, and Tri-County to submit a workplan to the Regional Board by January 25, 2002. The workplan was needed to design a soil and groundwater investigation to delineate the extent of soil and groundwater contamination at the site of the rupture of the underground fuel pipeline, and to determine possible impacts to the water quality of San Diego Bay, to human health, and to the environment that satisfied the requirements of the investigative order in this matter.
3. The City submitted the preliminary site conceptual model and workplan on November 5, 2002. The technical reports were 283 days late.
4. Under the authority of Water Code section 13268, any person failing or refusing to furnish a technical report required by section 13267(b) is guilty of a misdemeanor and may be liable civilly.
5. The Regional Board issued Administrative Civil Liability Complaint No. R9-2002-0331 to the Discharges on October 23, 2002, alleging failure to submit the preliminary site conceptual model and workplan.
6. Consideration of the factors prescribed in Water Code section 13327, based upon information available to the Regional Board prior to the hearing and described in greater detail in the staff report titled, *“Technical Analysis, Proposed Administrative Civil Liability Contained In Complaint No. R9-2002-0331 Against the City of San Diego, AMEC Earth and Environmental, Tri-County Drilling, Inc., for Noncompliance with*

California Water Code Section 13267, Chevron Pipeline Rupture, Belt Street, San Diego, California” supports assessment of civil liability in the amount of \$113,200 as follows:

\$200 per day for 283 days of violation for each of two violations of Water Code section 13267 for a total of \$113,200; which includes staff costs of \$22,400.

6. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with the California Code of Regulations, Chapter 3, Title 14, section 15308.

IT IS HEREBY ORDERED that civil liability is imposed on the Dischargers in the amount of one hundred thirteen thousand and two hundred dollars (\$113,200) and that the rationale for the assessment contained in the staff report titled, “*Technical Analysis, Proposed Administrative Civil Liability Contained in Complaint No. R9-2002-0331 Against the City of San Diego, AMEC Earth and Environmental, Tri-County Drilling, Inc., for Noncompliance with California Water Code Section 13267, Chevron Pipeline Rupture, Belt Street, San Diego, California*” is hereby incorporated into this order.

Date Issued: December 11, 2002

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the Order imposing civil liability issued by the California Regional Water Quality Control Board, San Diego Region on December 11, 2002.

John H. Robertus
Executive Officer

Date Signed: